

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

U.S. BANK NATIONAL ASSOCIATION,
AS TRUSTEE OF THE LEHMAN
BROTHERS SMALL BALANCE
COMMERCIAL MORTGAGE PASS-
THROUGH CERTIFICATES, 2007-1,

Plaintiff,

-against-

DR. KENNETH CRUTCH, THE CITY OF
NEW YORK PARKING VIOLATION
BUREAU and JOHN DOE Nos. 1-100,

Defendant.

09 CV 0998 (FB)(RER)

**DECLARATION OF BRUCE J.
ZABARAUSKAS IN OPPOSITION TO
MOTION TO VACATE SUMMARY
JUDGMENT ORDER**

BRUCE J. ZABARAUSKAS, hereby declares under penalty of perjury,

1. I am an attorney duly admitted to practice law in the states of New York and California, am a member of the bar of this Court and am counsel to the law firm of Crowell & Moring LLP. I submit this declaration in support of the opposition of plaintiff, U.S. Bank National Association As Trustee of the Lehman Brothers Small Balance Commercial Mortgage Pass-Through Certificates, 2007-1 (the "Plaintiff") to the motion of defendant Dr. Kenneth Crutch to vacate the summary judgment order entered by this Court on July 26, 2010.

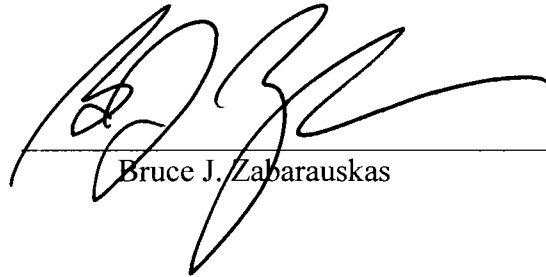
2. Annexed hereto as Exhibit A is a copy of the Declaration of Steven Caroulis, dated February 22, 2010, which was previously filed in this action in support of the Plaintiff's motion for summary judgment (Doc. No. 24).

3. Annexed hereto as Exhibit B is a copy of the Affidavit In Opposition To Plaintiff's Motion For Summary Judgment, which was previously filed in this action by defendant Dr. Kenneth Crutch (Doc. No. 27).

4. Annexed hereto as Exhibit C is a copy of the transcript of the July 22, 2010 hearing held before this Court on the Plaintiff's Motion For Summary Judgment.

5. Annexed hereto as Exhibit D is a copy of the Local Civil Rule 56.1(a) Statement Of Material Facts Not In Dispute In Support Of Plaintiff's Motion For Summary Judgment, which was previously filed in this action by the Plaintiff (Doc. No. 25).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed in Irvine, California on November 11, 2011.



Bruce J. Zabarauskas